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Attorneys for *Plaintiffs*
J.L., M.D.G.B., J.B.A., and M.G.S. on behalf of themselves and all others similarly situated

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

J.L., M.D.G.B., J.B.A., and M.G.S., on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

LEE FRANCIS CISSNA, Director, U.S. Citizenship and Immigration Services, KIRSTJEN M. NIELSEN, Secretary, U.S. Department of Homeland Security, ROBERT COWAN, Director, National Benefits Center, U.S. Citizenship and Immigration Services, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, and UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES,

Defendants.

Case No. 5:18-cv-04914-NC

SUPPLEMENTAL DECLARATION OF SIRENA P. CASTILLO IN SUPPORT OF PLAINTIFFS' MOTION FOR DISCOVERY OUTSIDE THE ADMINISTRATIVE RECORD

Action Filed: August 14, 2018
Class Certified: February 1, 2019
Trial Date: November 4, 2019

DECLARATION OF SIRENA P. CASTILLO

I, Sirena P. Castillo, hereby declare and state as follows:

1. I am a partner with the law firm of Manatt, Phelps & Phillips, LLP, counsel for Plaintiffs J.L., M.D.G.B., J.B.A., and M.G.S. (collectively, "Plaintiffs") in the above-captioned action. I am a member of the bar of the State of California and admitted to practice in the Northern District of California. I make this declaration in support of Plaintiffs' Motion for Discovery Outside the Administrative Record. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. On February 12, 2019, Defendants' counsel sent and email to Plaintiff's counsel stating that they needed additional time to update the certified administrative record ("CAR") [Dkt. 96] related to the final agency action, "USCIS's February 2018 Legal Guidance concerning parental reunification as well as the 2018 CHAP companion source." Attached hereto as **Exhibit A** is a true and correct copy of this email. Defendants the filed an amended CAR on March 1, 2019 [Dkt. 133].

3. Attached hereto as **Exhibit B** is a true and correct copy of the Press Release issued by the Department of Homeland Security on February 15, 2018, titled "Unaccompanied Alien Children and Family Units Are Flooding the Border Because of Catch and Release Loopholes."

4. Attached hereto as **Exhibit C** is a true and correct copy of the Press Release issued by the Department of Homeland Security on February 15, 2018, titled "To Make America Safe Again, We Must End Sanctuary Cities and Remove Criminal Aliens."

5. Attached hereto as **Exhibit D** is a true and correct copy of the Press Release issued by the Department of Homeland Security on February 15, 2018, titled "We Need to End Unchecked Chain Migration and Eliminate the Reckless Visa Lottery to Secure the Nation and Protect the American Worker."

6. Attached hereto as **Exhibit E** is a true and correct copy of the Press Release issued by the Department of Homeland Security on February 15, 2018, titled "Schumer-Rounds-Collins Destroys Ability of DHS to Enforce Immigration Laws, Creating a Mass Amnesty For Over 10 Million Illegal Aliens, Including Criminals."

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed this 29th day of April, 2019, at Los Angeles, CA.

/s/ Sirena P. Castillo

Sirena P. Castillo

EXHIBIT A

Haule, Kristin

From: Fascett, Lauren (CIV) <Lauren.Fascett@usdoj.gov>
Sent: Tuesday, February 12, 2019 4:34 PM
To: Castillo, Sirena; Ross, Mary Tanagho
Cc: Reno, Catherine M (CIV); Perez, Elianis (CIV); Masetta Alvarez, Katelyn (CIV)
Subject: RE: JL v. Cissna
Attachments: CAR 516-1, PP Handout.pdf

Dear Sirena,

Thank you for your letter.

As we noted in the Joint Case Management Report, now that the Court clarified its view on the final agency action in its 2/1/19 Order granting class certification, Defendants request an extension of the current APA discovery period in order to provide an updated certified administrative record ("CAR") relating to USCIS's February 2018 Legal Guidance as well as the 2018 CHAP companion resource.

As we discussed on the phone on January 30, 2019, we originally provided a CAR consisting of documents based on our understanding of what the final agency action was, *i.e.*, the individual denial of J.L.'s SIJ petition. Along with the documents from J.L's A-file that CIS considered in evaluating J.L.'s SIJ petition, we also included relevant documents from the A-files of the 3 other named Plaintiffs (even though they do not yet have final SIJ decisions) to be extra inclusive. Finally, we included the "non-A-file" documents consisting of the Rosenstock Declaration and exhibits to further demonstrate the lack of any "new" or "changed" USCIS policy.

Again, as it now stands the final agency action is: USCIS's February 2018 Legal Guidance concerning parental reunification as well as the 2018 CHAP companion resource; you have made clear that you are not challenging any individual SIJ adjudication. Accordingly, we intend to replace the entire CAR. The new CAR will consist of materials directly or indirectly considered by the agency in making the alleged final agency action. (As you know, our pending MTD asserts that the only reviewable final agency action is USCIS's adjudication of individual SIJ petitions. The Court's ruling on that motion may influence the scope of future discovery).

Therefore, we no longer intend to provide the A-file related materials you previously requested because they are no longer relevant. Further, although many of the documents included in the "non-A-file" CAR may be included in the new CAR, USCIS must now compile and certify the new CAR. Therefore, we will not at this time provide you with the additional non-A-file related documents or an amended privilege log that you've requested because again, they may or may not be part of the new CAR. However, in the spirit of cooperation, I have attached the Handout referenced in CAR 516 (Power Point slide).

In our mutual interest of ensuring the new CAR is as thorough, accurate, and inclusive as necessary, we have spoken with USCIS and they have informed us that they require an additional 60 days to gather, sort, and review the relevant material. Additionally, we learned recently that, in August 2018, the computer/hard drive of one of USCIS's employees in the Office of the Chief Counsel malfunctioned, burning her leg and damaging potentially relevant data. Therefore, the IT Department will need additional time to attempt to retrieve any salvageable documents from her computer. In light of all of this, the Government needs a 60-day extension of time to produce the new CAR.

We hope that with this further information, Plaintiffs will consider agreeing to a 60-day extension.

Thanks,
Lauren

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From: Castillo, Sirena <SCastillo@manatt.com>
Sent: Monday, February 11, 2019 7:22 PM
To: Fascett, Lauren (CIV) <LFascett@civ.usdoj.gov>; Reno, Catherine M (CIV) <careno@CIV.USDOJ.GOV>; Masetta Alvarez, Katelyn (CIV) <kmasetta@CIV.USDOJ.GOV>; Perez, Elianis (CIV) <EPerez@civ.usdoj.gov>
Cc: Ross, Mary Tanagho <mross@publiccounsel.org>
Subject: JL v. Cissna

Please see the attached correspondence.

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Partner

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EXHIBIT B

Unaccompanied Alien Children and Family Units Are Flooding the Border Because of Catch and Release Loopholes

Release Date: February 15, 2018

Border security includes the ability to remove illegal aliens that the Department of Homeland Security (DHS) apprehends, otherwise we are stuck with a system that sanctions catch and release. Due to legal loopholes and court backlogs, even apprehended illegal aliens are released and become part of the temporary, illegal population of people that we cannot remove. This must end now.

Legal loopholes are exploited by minors, family units, and human smugglers, and are a magnet for illegal immigration

- In 1997, the former Immigration and Naturalization Service entered into the ***Flores* Settlement Agreement** relating to the detention and release of unaccompanied alien children (UACs) . The *Flores* settlement agreement has now been litigated for over twenty years, spawning multiple onerous court decisions that handicap the government's ability to detain and promptly remove UACs.
  - Under the Flores Agreement, DHS can only detain UACs for 20 days before releasing them to the Department of Health and Human Services which places the minors in foster or shelter situations until they locate a sponsor.
  - When these minors are released, they often fail to appear for court hearings or comply with removal orders.
  - These legal loopholes lead to "catch and release" policies that act as a "pull factor" for increased future illegal immigration.
  - This has incited smugglers to place children into the hands of adult strangers so they can pose as families and be released from immigration custody after

crossing the border, creating another safety issue for these children.

- The **William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 limits** DHS's ability to promptly return UACs who have been apprehended at the border and creates additional loopholes.
  - Under TVPRA, UACs who are not from Mexico and Canada are exempt from prompt return to their home country. We must amend the TVPRA so that all UACs who are not victims of human trafficking, regardless of country of origin, can be safely and promptly returned to their home countries.
  - We must amend TVPRA to limit the period to file asylum claims for UACs to one year consistent with all other applicants for asylum and ensure that these asylum cases are heard only in immigration court (no second bite at the apple).
  - We must end abuse of the Special Immigrant Juvenile (SIJ) visa to ensure the applicant proves reunification with both parents is not viable due to abuse, neglect, or abandonment and that the applicant is a victim of trafficking. This is necessary as many UACs are able to obtain a Green Card through SIJ status even though they were smuggled here to reunify with one parent present in the United States.

Once released into the interior of the United States, with few exceptions, UACs will generally remain in the country.

- UACs frequently abscond and fail to appear for their removal hearings before an immigration judge—with **66% of all removal orders** for UACs from FY15 to FY17 resulting from a UAC's failure to appear for a hearing.
- **Only 3.5 percent** of unaccompanied minors apprehended are eventually removed from the United States.

- Over 100,000 UACs were released into the interior from FY16 to today.
- The 100,000+ UACs who were released are **in addition** to the more than 167,000 family units (i.e. alien children who are accompanied by an adult claiming to be a relative or guardian) that were apprehended by U.S. Customs and Border Protection from FY16 to date.
  - **Nearly all of these Family Units are released into the interior of the United States** because of judicially-imposed constraints on ICE's authority to detain the entire family units as a result of recent rulings in the *Flores* consent decree litigation.

These loopholes create a pull factor that invites more illegal immigration and encourages parents to pay and entrust their children to criminal organizations that will smuggle them in—often while abusing and molesting those children along the way.

- In recent months, there has been a staggering increase in the apprehension of UACs and Family Units from Central America crossing the southern border and being released into the United States.
- The number of family units crossing the border increased by **625% since last April.**
- In December, officials apprehended over 4,000 UACs and 8,000 Family Units—an increase of 30 percent and 68 percent respectively since October.
- Thousands of these unaccompanied children—particularly young teenage girls—are subjected to sexual abuse by smugglers, criminals, and even government officials along their journey to the United States. Many also never make it to the United States, instead pressed into service at brothels and bars in Mexico and Guatemala.

The influx of unaccompanied alien minors also creates recruiting opportunities for brutal gangs such as MS-13

- UACs provide fertile recruiting ground for violent gangs, such as MS-13. While there are no official statistics on the number of UACs involved with gangs, anecdotal evidence suggests this gang recruiting strategy is working. For example, a June 2017 review of UACs in the custody of the Department of Health and Human Service's Office of Refugee Resettlement found that 39 of 138 UACs (28%) were involved with gangs, with the vast majority of those involved voluntarily.[1] (#_ftn1)
- Other enforcement examples suggest similar numbers. For example, Immigration and Customs Enforcement's Operation Matador resulted in 39 MS-13 arrests in 30 days in the New York City area, 12 of whom had entered the country as unaccompanied minors. Fox News reported in November 2017 that, of 214 MS-13 members rounded up in the span of a few weeks, officials said at least a third would have been classified as UACs.[2] (#_ftn2)

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[1] (#_ftnref1) *See* Letter from Barbara Pisaro Clark, Acting Assistant Secretary for Legislation, Department of Health and Human Services, to the Honorable Ron Johnson, Chairman, Senate Committee on Homeland Security and Governmental Affairs (June 21, 2017), https://www.hsgac.senate.gov/download/orr-response-to-sen-johnson (https://www.hsgac.senate.gov/download/orr-response-to-sen-johnson) .

[2] (#_ftnref2) *See* Joseph J. Kolb, Feds crack down on MS-13, but immigration policy lets new recruits in, figures show, Fox News (Nov. 30, 2017), http://www.foxnews.com/us/2017/11/30/as-raids-target-m-13-gang-fears-resurgent-ranks-linger.html (/redirect?url=http%3A%2F%2Fwww.foxnews.com%2Fus%2F2017%2F11%2F30%2Fas-raids-target-m-13-gang-fears-resurgent-ranks-linger.html) .

Topics: Border Security (/topics/border-security) , Citizenship and Immigration Services (/topics/immigration-and-citizenship-services) , Immigration and Customs Enforcement (/topics/immigration-enforcement)

Keywords: immigration reform (/keywords/immigration-reform)

Last Published Date: February 15, 2018

EXHIBIT C

To Make America Safe Again, We Must End Sanctuary Cities and Remove Criminal Aliens

Release Date: February 15, 2018

Non-cooperative jurisdictions that do not honor U.S. Immigration and Customs (ICE) detainer requests to hold criminal aliens who are already in their custody, endanger the public and threaten officer safety by releasing criminal aliens back into the community to re-offend. In addition to causing preventable crimes, this creates another "pull factor" that increases illegal immigration.

We must take criminal aliens off our streets and remove them quickly once they are apprehended.

- The 2001 Supreme Court decision in *Zadvydas v. Davis* significantly restricts the ability of the Department of Homeland Security (DHS) to detain aliens with final orders of removal, including serious felony offenders, if their home countries will not accept their return.
  - In Fiscal Year 2017, **more than 2,300 aliens** were released because of that court decision, including **more than 1,700** criminal aliens.

- In addition to those who enter illegally, visa overstays account for roughly **40 percent** of all illegal immigration in the United States.
- Some jurisdictions **do not honor ICE detainer requests to hold or provide adequate notice of release of criminal aliens** who are already in custody, **endangering the public and threatening officer safety** by releasing criminal aliens back into our communities to re-offend.
- Instead of allowing ICE officers to take custody of criminal aliens in a secure environment, such as a local jail, jurisdictions that refuse to honor ICE detainers put ICE

officers and others at risk by forcing them to go into often perilous environments to arrest dangerous criminal aliens.

- There are nearly **one million aliens with final orders of removal**, and not enough officers or resources to deport them.
- Of the 53,908 criminal cases filed by federal prosecutors in the 94 U.S. District Courts in fiscal year 2016, **23,573 cases (43.7 percent) were located in just the five border districts** (Arizona, Southern District of California, New Mexico, Southern District of Texas, and Western District of Texas).
- **Half of all federal criminal cases** filed in U.S. District Courts in Fiscal Year 2016 (25,965 of 53,908 cases) **were referred by the DHS**.
- While **noncitizens made up approximately 7.2 percent of the U.S. population** in 2016,[1] (#_ftn1) **they accounted for 41.7 percent of all federal offenders sentenced** for felonies or Class A misdemeanors in that fiscal year. Even **excluding all types of immigration offenses, noncitizens accounted for more than 20 percent of all federal offenders sentenced** for felonies or Class A misdemeanors—nearly three times their share of the general population.
- **In the five border districts, noncitizens accounted for 73.5 percent of all federal offenders sentenced** for felonies or Class A misdemeanors in fiscal year 2016, and 47 percent of all federal non-immigration felonies or Class A misdemeanors.

The American people overwhelmingly favor the removal of criminal aliens.

- According to a recent Harvard-Harris poll,[2] (#_ftn2) 80 percent of American voters share the common-sense view that cities that arrest illegal aliens for crimes should be required to turn them over to immigration authorities.

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[1] (#_ftnref1) *See* U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2016, https://www.census.gov/cps/data/cpstablecreator.html (https://www.census.gov/cps/data/cpstablecreator.html) .

[2] (#_ftnref2) http://thehill.com/homenews/administration/320487-poll-americans-overwhelmingly-oppose-sanctuary-cities (/redirect?url=http%3A%2F%2Fthehill.com%2Fhomenews%2Fadministration%2F320487-poll-americans-overwhelmingly-oppose-sanctuary-cities)

Topics: Border Security (/topics/border-security) , Citizenship and Immigration Services (/topics/immigration-and-citizenship-services) , Immigration and Customs Enforcement (/topics/immigration-enforcement)

Keywords: immigration reform (/keywords/immigration-reform)

Last Published Date: February 15, 2018

EXHIBIT D

We Need to End Unchecked Chain Migration and Eliminate the Reckless Visa Lottery to Secure the Nation and Protect the American Worker

Release Date: February 15, 2018

Our current immigration system does not protect American workers or our economy.

- The United States currently admits **1.1 million immigrants per year.** That is more than the population of San Francisco or Indianapolis every year.
- Currently, **70 percent of legal immigration** into the United States is based on family relations, while **only 1 in every 15 legal immigrants—less than seven percent**—are admitted to the United States based on skill or employment.

End Chain Migration

- Under our current law, a single immigrant can sponsor numerous relatives to come to the United States as lawful permanent residents.
- Each family member of the original immigrant who came to the United States as a lawful permanent resident can, in turn, sponsor relatives once they become a citizen.
- The result is known as chain migration because each new immigrant can sponsor his or her own extended family members, who ultimately have little connection to the original immigrant.
- Academic research has found each immigrant on average sponsors **3.45 additional family members** for green cards.
- Between 2005 and 2016, the United States permanently resettled 9.3 million immigrants based on family relations—a population larger than the size of Los Angeles,

Chicago, Dallas, San Francisco and Cleveland combined.

- Chain Migration, which has been the primary source of low-skilled legal immigration into the United States, has depressed wages and job opportunities for comparably skilled American workers. This has had a profoundly negative impact on African American and Hispanic workers in particular. It is for that reason that famed Civil Rights leader and late Democratic Congresswoman Barbara Jordan called for ending Chain Migration in the mid-1990s.

Cancel the Outdated Visa Lottery

- The visa lottery system admits **50,000 immigrants a year**, many who **have no existing connections** to our country, minimal education, and no job offers.
- At the time of submitting their visa application, selectees are only required to have a high school education or two years of work experience at the time of submitting their visa application.
- This program is susceptible to fraud and has been exploited by national security threats. It does not advance our interests.
- Past reports show that the visa lottery system has a long history of fraud and abuse.
- A report published by the U.S. Government Accountability Office (GAO) in 2007 found that the visa lottery system was vulnerable to fraud committed by and against lottery applicants.
  - The GAO report found difficulties in verifying applicant identities, which raised serious security concerns.
  - At some of the consular posts they reviewed the majority of visa lottery applicants had hired “visa agents” to enter the lottery.

- In 2003, the State Department Office of Inspector General (OIG) authored a report that found the program was subject to widespread abuse.
  - The OIG found that despite restrictions against duplicate visa lottery submissions, thousands of duplicate submissions were detected each year.
  - The report asserted that identity fraud was endemic in the system and that it was commonplace for applicants to use fraudulent documents.

- From 2007 to 2016, the **United States admitted nearly 30,000 individuals** that originated from countries designated as “State Sponsors of Terrorism” through the visa lottery system. This is a direct threat to our national security.

Topics: Border Security (/topics/border-security), Citizenship and Immigration Services (/topics/immigration-and-citizenship-services), Immigration and Customs Enforcement (/topics/immigration-enforcement)

Keywords: immigration reform (/keywords/immigration-reform)

Last Published Date: February 15, 2018

EXHIBIT E

Schumer-Rounds-Collins Destroys Ability of DHS to Enforce Immigration Laws, Creating a Mass Amnesty For Over 10 Million Illegal Aliens, Including Criminals

Release Date: February 15, 2018

The Schumer-Rounds-Collins proposal destroys the ability of the men and women from the Department of Homeland Security (DHS) to remove millions of illegal aliens. It would be the end of immigration enforcement in America and only serve to draw millions more illegal aliens with no way to remove them. By halting immigration enforcement for all aliens who will arrive before June 2018, it ignores the lessons of 9/11 and significantly increases the risk of crime and terrorism.

It is an egregious violation of the four compromise pillars laid out by the President's immigration reform framework. Instead of helping to secure the border as the President has repeatedly asked Congress to do, it would do the exact opposite and make our border far more open and porous. It would ensure a massive wave of new illegal immigration by exacerbating the pull factors caused by legal loopholes. By keeping chain migration intact, the amendment would expand the total legalized population to potentially ten million new legal aliens – simultaneously leading to undercutting the wages of American workers, threatening public safety and undermining national security.

The changes proposed by Senators Schumer-Rounds-Collins would effectively make the United States a Sanctuary Nation where ignoring the rule of law is encouraged.

#1—Provides a Safe Enforcement-Free Haven for Over 10 Million Illegal Aliens

- It eviscerates the authority of DHS to arrest, detain, and remove the vast majority of aliens illegally in the country by attempting to limit DHS enforcement by codifying a "priorities" scheme that ensures that DHS can only remove criminal aliens, national security threats and those who arrive AFTER June 30, 2018 creating a massive surge at the border for the next four months.
- This immigration enforcement "holiday" until June 30, 2018 will show to the world we are not serious about enforcing our immigration laws as those who arrive here can just stay here consequence free, at a minimum until the next amnesty.
- The amendment fails to address serious loopholes in immigration law on detention and removal authorities, including Zadvydas v. Davis. The most egregious loopholes have required DHS to release aliens with final orders of removal - including dangerous convicted criminal aliens - into American communities if, because their country of origin refuses to accept them, we are unable to remove them in 180 days.
  - In Fiscal Year 2017, more than 2,300 aliens were released because of that court decision, and more than 1,700 of those were criminal aliens.

- It does nothing to combat sanctuary jurisdictions, and does not enhance ICE's detainer authority—the tool it uses to pick up and process aliens from the secure and controlled environments of jails and prisons - or indemnify local jurisdictions that seek to comply with detainers. This forces ensures that local jurisdictions release criminals back into communities to re-offend.
  - According to a recent Harvard-Harris poll,[1] (# ftn1) 80 percent of American voters share the common-sense view that cities that arrest illegal aliens for crimes should be required to turn them over to immigration authorities.
  - While noncitizens made up approximately 7.2 percent of the U.S. population in 2016,[2] (# ftn2) they accounted for 41.7 percent of all federal offenders sentenced for felonies or Class A misdemeanors in that fiscal year. Even excluding all types of immigration offenses, noncitizens accounted for more than 20 percent of all federal offenders sentenced for felonies or Class A misdemeanors—nearly three times their share of the general population.

- It does not fix any current removal loopholes that it make it difficult for DHS to remove criminal aliens and does not subject gang members to removability – a serious concern where many gang members enter the country as Unaccompanied Alien Children (UACs) and are unable to be removed.
  - Last year, "Operation Raging Bull", a law enforcement operation targeting MS-13 gang members, resulted in the arrest of 214 individuals in the United States—

nearly one third of whom (64 individuals) had entered the country as UACs.

#2—Fails to Secure the Border

- The amendment ties the hands of all the men and women of DHS who stand at the border attempting to make our nation more secure.
- Leaves longstanding loopholes wide open, undermining DHS's ability to remove aliens and perpetuating the catastrophic "catch and release" policy. These loopholes create a dramatic pull factor for illegal immigration.
  - Fails to terminate the Flores Settlement Agreement, effectively ensuring continued surges in unaccompanied alien minors and family units.
    - Only 3.5 percent of unaccompanied minors apprehended are eventually removed from the United States.
  - Fails to address The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, which limits the DHS ability to promptly return UACs who have been apprehended at the border and creates additional loopholes.
    - Failing to close these loopholes creates untold risks for children who are routinely smuggled and trafficked as they seek to arrive in the United States.
- Fails to ensure that drugs like fentanyl do not enter the U.S.
- Fails to address much needed hiring and pay reforms that allow DHS to support the men and women on the frontlines.
- Prevents DHS from building a Border Wall where it is needed through the imposition of unnecessarily onerous environmental and reporting burdens.
- It does not provide any provisions to deter visa overstays (criminal designation, prompt removal, or bars to immigration benefits), enabling mass illegal immigration through temporary visa programs.
  - Visa overstays account for roughly 40 percent of all illegal immigration in the United States.

#3—Not a DREAMer Bill, But a Mass Amnesty Bill for Illegal Aliens of All Ages

- Gives initial citizenship to a massive population of three million illegal aliens – and potentially many more as extended-family chain migrants.
- In addition to the 3 million DACAs, it ensures a path to citizenship for their 6 million parents through the use of a faux-prohibition provision that is likely unconstitutional as well as administratively and judicially impossible to administer.
- There are no real eligibility requirements. Much of the eligibility criteria can be waived.
- Gives citizenship to criminal aliens: Many criminals can benefit from the DACA provision as the bars for criminals are overly narrow and the eligibility to waive criminal conduct for applicants is overbroad.
- Expands maximum age of entry into the United States for DACAs to age 18— ensuring it applies to illegal aliens who have spent most of their lives in their home countries and who came to the United States recently and who are decidedly not children.
- Grants immigration benefits to individuals who are not "DREAMers": expands conditional permanent resident status to certain aliens in Temporary Protected Status who otherwise meet the eligibility requirements designed to address the DACA population.
- Persons who are under the age of 43 years old TODAY are eligible to apply for DACA now – these are not children, and haven't been for some time.
- Additionally there is no maximum age limit: meaning that, a "DREAMer" who is eligible today could wait years before applying, thus we could have DACA "children" benefiting receiving citizenship when they are in their 60s and 70s.
- Contains unworkable and dangerous confidentiality provisions, which hamstrings DHS's ability to remove illegal aliens who do not meet eligibility requirements or commit fraud.
- The bill creates a new definition of expunged records that contradicts current law and ensures that criminal aliens with expunged convictions can benefit from legalization.
- Allows illegal aliens' own statements – not verifiable documentation – to satisfy the DACA eligibility requirements creating an obvious enforcement loophole. This is the exact type of non-auditable visa program that the GAO continues to cite as irredeemable on its face.
- Prevents the Secretary from denying applications for DACA applicants who appear to be a threat to public safety or national security concerns.
- Anyone who claims to be eligible for relief is barred from removal, essentially a get out of jail free card.
- The Schumer-Rounds-Collins proposal explicitly prevents DHS from removing anyone who is "enrolled in" school over the age of five. This would include teenage human

smugglers, gang members, or criminal aliens.

#4—Expands Chain Migration

- Fails to protect the economic security of millions of American workers and taxpayers by doing nothing to address unchecked extended family chain migration.
- Under current law, illegal aliens are unable to legally bring over their foreign relatives through chain migration. By providing a pathway to citizenship for millions of illegal aliens while leaving chain migration intact across the entire U.S. immigration system, these individuals would then be able to bring over all of extended families through chain migration, who in turn could bring in their foreign relatives, potentially increasing the legalized population of aliens to 10 million.
- A Princeton study found that every two new migrants sponsor, on average, seven additional relatives to come to the United States.

#5 Keeps the Visa Lottery

- The bill does nothing to address the outdated and dangerous Visa Lottery program, let alone fulfill the Administration's goal of ending it.
- A report published by the U.S. Government Accountability Office (GAO) in 2007 found that the visa lottery system was vulnerable to fraud committed by and against lottery applicants.
  - The GAO report found difficulties in verifying applicant identities, which raised serious security concerns.
  - At some of the consular posts they reviewed the majority of visa lottery applicants had hired "visa agents" to enter the lottery.

- In 2003, the State Department Office of Inspector General (OIG) authored a report that found the program was subject to widespread abuse.
  - The OIG found that despite restrictions against duplicate visa lottery submissions, thousands of duplicate submissions were detected each year.

The report asserted that identity fraud was endemic in the system and that it was commonplace for applicants to use fraudulent documents.

[1] (#_ftnref1) http://thehill.com/homenews/administration/320487-poll-americans-overwhelmingly-oppose-sanctuary-cities (/redirect?url=http%3A%2F%2Fthehill.com%2Fhomenews%2Fadministration%2F320487-poll-americans-overwhelmingly-oppose-sanctuary-cities)

[2] (#_ftnref2) See U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2016, https://www.census.gov/cps/data/cpstablecreator.html (https://www.census.gov/cps/data/cpstablecreator.html) .

Topics: Border Security (/topics/border-security), Citizenship and Immigration Services (/topics/immigration-and-citizenship-services), Immigration and Customs Enforcement (/topics/immigration-enforcement)

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